

**REMARKS***Rejections Relying on 35 U.S.C. § 102(e)*

Applicant notes that references used in support of the rejections rely on 35 U.S.C. § 102(e), either directly or through 35 U.S.C. § 103(a). In responding to the rejections, Applicant does not admit that the references are prior art and Applicant specifically reserves the right to swear behind these references at a future date. However, Applicant contends that the claims are patentably distinct from the cited references.

*Amendments to the Claims*

Claims 1 and 15 are amended herein to more clearly define the subject matter that Applicant intends to claim. Claims 5 and 19 are canceled hereby in view of the amendments to claims 1 and 15, respectively. Claims 4, 6, 8 and 13 are amended in view of the amendment to claim 1 from which they depend. Claim 20 is amended in view of the amendment to claim 15 from which it depends. Applicant contends that the amendments are supported by the Specification as filed and do not constitute new matter.

*Claim Rejections Under 35 U.S.C. § 112*

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action objects to the use of the term “relative proximity” as not providing a standard for ascertaining the requisite degree such that one skilled in the art would not be reasonably apprised of the scope of the invention. Applicant respectfully traverses.

Claim 1 recites, in part, “wherein the representations provide an indication of at least a relative proximity between their respective network device and the reference point.” Applicant contends that it is clear from the context of the claim that, for any two network devices, their representations must provide some indication of which network device is likely closer to the reference point. There is no requirement in claim 1 for a degree of closeness, but merely an indication of which device is closer. Applicant thus contends that claim 1 is sufficiently definite to particularly point out and distinctly claim its associated subject matter.

Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, and allowance of claim 1.

*Claim Rejections Under 35 U.S.C. § 101*

Claim 1 was rejected under 35 U.S.C. §101 because the claimed invention was asserted to be directed to nonfunctional descriptive material.

Claim 1 is amended to recite, in part, “representations of a plurality of network devices depicting locations of the network devices relative to a reference point, wherein the locations of the representations are adapted for updating in response to changes in mapping information contained on a computer-usable medium of one of the network devices without the need for manual intervention.” Applicant contends that the amendment makes clear that Applicant is not claiming descriptive material as asserted by the Office Action, but a dynamic article of manufacture containing representations in a useful, concrete and tangible form that are the result of transformations of data representative of physical objects and contained on a computer-usable medium of one of the network devices. Applicant thus contends that claim 1 meets the requirements of 35 U.S.C. § 101. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 101, and allowance of claim 1.

*Claim Rejections Under 35 U.S.C. § 103*

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogier et al. (U.S. Patent No. 6,845,091) in view of Sandhu et al. (U.S. Patent No. 6,867,733). Claims 5 and 19 are canceled hereby without prejudice or disclaimer.

Claim 1 is amended to recite, in part, “representations of a plurality of network devices depicting locations of the network devices relative to a reference point, wherein the locations of the representations are adapted for updating in response to changes in mapping information contained on a computer-usable medium of one of the network devices without the need for manual intervention,” “a representation of a first network device of the plurality of network devices that is requesting a service on the wireless network” and “a representation of a second network device of the plurality of network devices that is capable of providing the requested service,” “wherein the representation of the first network device is highlighted to differentiate it from representations of other network devices” and “wherein the representation of the second network device is highlighted to differentiate it from

representations of other network devices that are incapable of providing the requested service.” Applicant contends that at least these limitations are neither taught nor suggested by the cited references.

The Office Action cites column 5, line 58 through column 6, line 7 for the proposition that Ogier et al. teaches that the representation of the first network device requesting a service is highlighted to differentiate it from representations of other network devices. Office Action, page 7, third paragraph. Applicant notes that the cited section only provides a listing of devices that can act as a node 18 in Ogier et al.’s subnet 10. There is no discussion of how these devices might be represented in a dynamic map let alone how such representations might be highlighted to provide an indication of which device is requesting a service from the network.

The Office Action cites column 1, lines 65-67 for the proposition that Ogier et al. teaches that the representation of a second network device is highlighted to differentiate it from representations of other network devices that are incapable of providing the requested service. Office Action, page 7, fourth paragraph. Applicant notes that the cited section only discusses launching a Web browser after establishing an Internet connection. Starting a Web browser is wholly unrelated to how Applicant’s representations might be displayed.

Applicant has further carefully reviewed the cited references and can find nothing that fairly teaches or suggests at least these limitations. Neither Ogier et al. nor Sandhu et al. address how to represent a first network device requesting a service and a second network device capable of providing the service to differentiate them from other network devices. As such, Applicant contends that the references, either alone or in combination, cannot teach or suggest each and every limitation of claim 1. Applicant thus respectfully submits that claim 1 is patentably distinct from the cited references, either alone or in combination.

Claim 15 is amended to recite, in part, “providing an indication of a distance and a direction to the service-providing device from the service-requesting device using the dynamic mapping information by displaying a map to a user of the service-requesting device, wherein the map comprises representations of the plurality of network devices depicting locations of the network devices relative to the service-requesting device,” “highlighting a representation of the service-requesting device to differentiate it from other network devices” and “highlighting a representation of the service-providing device to differentiate it from other network devices.” As discussed with reference to claim 1, the cited references, either alone or in combination, fail to teach or suggest at least these limitations. Applicant thus

respectfully submits that claim 15 is patentably distinct from the cited references, either alone or in combination.

As claims 2-4 and 6-14 include all patentable limitations of patentably distinct claim 1, and claims 16-18 and 20 include all patentable limitations of patentably distinct claim 15, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 1-4, 6-18 and 20.

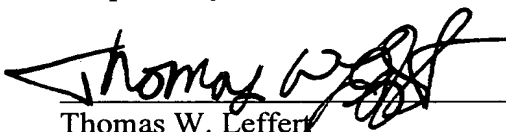
### CONCLUSION

Claims 1, 4, 6, 8, 13, 15 and 20 are amended herein. Claims 5 and 19 are canceled hereby. Claims 1-4, 6-18 and 20 are now pending.

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

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Thomas W. Leffert  
Reg. No. 40,697

Attorneys for Applicant  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400